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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
ROWLAND, STEVE	

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/579,806	NAICKER ET AL.	
	Examiner	Art Unit	
	Steve Rowland	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05/16/2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 May 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *05/16/2006, 10/18/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Preliminary Amendment

1. This action is responsive to Applicant's communication filed on 05/16/2006.

Drawings

2. The drawings are objected to because reference number "1" as described in paragraph [0030] is not depicted in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

a. Reference number "6" has been used to describe both a "reader" and a "network" in, *inter alia*, ¶ [0030].

b. The description for reference number "10" is missing.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claims 21-37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

The described invention appears to relate to a computer software method. In assessing the patent eligibility of such subject matter under this section, the Office uses the "machine or transformation" test as set forth in *In re Bilski*, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008). In order to qualify as patent-eligible under this section, a claim must require that a method be implemented by a particular machine or apparatus. Claims 21-37 do not require a particular machine or apparatus; therefore it is not patent-eligible under 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Lind et al (US 2002/0132661 A1) (hereinafter "Lind").

Regarding claim 1, Lind teaches a system for playing a bingo-type game (Abstract) comprising a plurality of player stations (Fig. 3), each player station being operable by a respective player to place a wager on a turn of a game of bingo (¶ [0012]), a random event generator activatable to generate a number of random events upon which an outcome of the game of bingo is based (¶ [0029]), the outcome being either an unfavourable outcome in which the player forfeits the wager (¶ [0067]), and at least one favourable outcome in which the player wins a corresponding prize (Fig. 6), a secondary display means instructable by the player station to display a simulation of the turn of the game of bingo (¶ [0009] lines 13-24), and a primary display means instructable by the player station to display to the player a simulation of a turn of a different entertainment game having an outcome that is unfavourable when the outcome of the turn of the game of bingo is an unfavourable outcome (¶ [0010]), the turn of the different entertainment game causing the player to win the same corresponding prize as the game of bingo when the outcome of the turn of the game of bingo is a favourable outcome (¶ [0010]).

Regarding claims 2 and 22, Lind teaches in which the random event generator is executable in a gaming server remote from the plurality of player stations, the gaming server being communicable with each one of the plurality of remote player stations by means of a communication network (Fig. 1).

Regarding claim 3, Lind teaches in which the different entertainment game is a game of video slots (¶ [0010]).

Regarding claim 21, Lind teaches a method of operation of a system for playing a bingo-type game (Abstract), comprising the steps of enabling each one of a plurality of player stations for operation by a respective player to place a wager on a turn of a game of bingo (¶ [0012]), activating a random event generator to generate a number of random events upon which an

outcome of the game of bingo is based (¶ [0029]), the outcome being either an unfavourable outcome in which the player forfeits the wager (¶ [0067]), and at least one favourable outcome in which the player wins a corresponding prize (Fig. 6), displaying to the player on a secondary display means a simulation of a turn of the game of bingo (¶ [0009] lines 13-24), and displaying to the player on a primary display means a simulation of a turn of a different entertainment game having an outcome that is unfavourable when the outcome of the turn of the game of bingo is an unfavourable outcome (¶ [0010]), the turn of the different game causing the player to win the same corresponding prize as the game of bingo when the outcome of the turn of the game of bingo is a favourable outcome (¶ [0010]).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 4-8 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lind.

Regarding claims 4 and 23, Lind teaches a random event generated by the random event generator which corresponds to the drawing at random of one of a number of uniquely numbered balls (¶ [0029]). It is noted that Lind does not specifically teach using 75 balls. However, it is well-known in the art that a bingo game typically uses 75 balls. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lind to use 75 balls in order to implement a bingo game that is familiar to players.

Regarding claims 5 and 24, Lind teaches in which a player bingo card associated with the game of bingo has 25 positions thereon arranged in a 5 by 5 grid (¶ [0046] lines 9-11). It is noted that Lind does not specifically teach each grid position being numbered with a respective random number from 1 to 75. However, it would have been obvious to a person of ordinary skill in the art to modify Lind to number each grid position with a respective random number from 1 to 75 in order to implement a bingo game that is familiar to players.

Regarding claims 6 and 25, Lind teaches in which one favourable outcome of the game of bingo as a game-ending pattern causing the turn of the game of bingo to terminate (¶ [0008]).

Regarding claims 7 and 26, Lind teaches in which the game-ending pattern arises when each number on at least one player bingo card matches a number drawn by the random event generator (¶ [0008]).

Regarding claims 8 and 27, Lind teaches in which the game of bingo has a plurality of further favourable outcomes, each one arising when all the numbers in a respective

predetermined pattern on at least one player bingo card match the numbers drawn by the random event generator (¶ [0008]).

12. Claims 9-11, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lind in view of Itkis et al (US 2003/0171986 A1) (hereinafter "Itkis").

Regarding claims 9 and 28, it is noted that Lind does not teach in which the random event generator draws at random a first set of 24 of the 75 balls and transmits data corresponding to the first set of 24 balls to each one of the player stations. However, Itkis suggests in which the random event generator draws at random a first set of 24 of the 75 balls and transmits data corresponding to the first set of 24 balls to each one of the player stations (¶ [0028] lines 14-20). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Lind and Itkis in order to optimize the outcome generation process.

Regarding claims 10, Lind teaches in which each one of the player stations includes a prize claiming means operable by a player to claim any favourable outcome arising from the first set of 24 balls (Fig. 8).

Regarding claim 11, Lind teaches in which the prize claiming means is any one of a pushbutton on the player station or an activatable icon on the primary display means (Fig. 8).

Regarding claim 29, Lind teaches activating a prize claiming means on each one of the player stations, for a predetermined period of time the prize claiming means being operable by a player to claim any favourable outcome arising from the first set of 24 balls (Fig. 8).

13. Claims 12-20 and 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lind in view of Itkis and Cannon (US 2005/0059468 A1).

Regarding claim 12, it is noted that neither Lind nor Itkis specifically teaches in which the prize claiming means is operable by a player for a predetermined period of time. However,

Cannon suggests in which the prize claiming means is operable by a player for a predetermined period of time (¶ [0088]). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Lind, Itkis, and Cannon in order to keep sleepers from holding up the game.

Regarding claims 13 and 30, it is noted that neither Lind nor Itkis specifically teaches in which the random event generator draws at random further balls one at a time and the gaming server checks for the occurrence of a game-ending pattern on any of the player bingo cards after the drawing of each ball. However, Cannon suggests in which the random event generator draws at random further balls one at a time and the gaming server checks for the occurrence of a game-ending pattern on any of the player bingo cards after the drawing of each ball (Figs. 16-18). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Lind, Itkis, and Cannon in order to complete the bingo game in an orderly way which allows players a reasonable period in which to recognize and claim their award.

Regarding claims 14 and 31, it is noted that neither Lind nor Itkis specifically teaches in which the gaming server transmits data corresponding to all the drawn balls necessary for the occurrence of the game-ending pattern to each one of the player stations if the game-ending pattern is not the last possible game-ending pattern in the turn of the game of bingo. However, Cannon suggests in which the gaming server transmits data corresponding to all the drawn balls necessary for the occurrence of the game-ending pattern to each one of the player stations if the game-ending pattern is not the last possible game-ending pattern in the turn of the game of bingo (Figs. 16-18). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Lind, Itkis, and Cannon in order to complete the bingo game in an orderly way which allows players a reasonable period in which to recognize and claim their award.

Regarding claims 15 and 32, it is noted that neither Lind nor Itkis specifically teaches in which each one of the player stations activates its respective prize claiming means for a predetermined period of time to be operable by a player to claim a favourable outcome arising from the occurrence of the game-ending pattern. However, Cannon suggests in which each one of the player stations activates its respective prize claiming means for a predetermined period of time to be operable by a player to claim a favourable outcome arising from the occurrence of the game-ending pattern (Figs. 16-18). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Lind, Itkis, and Cannon in order to complete the bingo game in an orderly way which allows players a reasonable period in which to recognize and claim their award.

Regarding claims 16 and 33, it is noted that neither Lind nor Itkis specifically teaches in which the gaming server terminates the turn of the game of bingo if a player claims the favourable outcome within the predetermined period of time. However, Cannon suggests in which the gaming server terminates the turn of the game of bingo if a player claims the favourable outcome within the predetermined period of time (Figs. 16-18). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Lind, Itkis, and Cannon in order to complete the bingo game in an orderly way which allows players a reasonable period in which to recognize and claim their award.

Regarding claims 17 and 34, it is noted that neither Lind nor Itkis specifically teaches in which the random event generator draws at random all the remaining balls if the game-ending pattern is the last possible game-ending pattern in the turn of the game of bingo and the gaming server transmits data corresponding to all the drawn balls necessary for the occurrence of the last game-ending pattern and the remaining balls to each one of the player stations. However, Cannon suggests in which the random event generator draws at random all the remaining balls

if the game-ending pattern is the last possible game-ending pattern in the turn of the game of bingo and the gaming server transmits data corresponding to all the drawn balls necessary for the occurrence of the last game-ending pattern and the remaining balls to each one of the player stations (Figs. 16-18). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Lind, Itkis, and Cannon in order to complete the bingo game in an orderly way which allows players a reasonable period in which to recognize and claim their award.

Regarding claims 18 and 35, it is noted that neither Lind nor Itkis specifically teaches in which each one of the player stations activates its respective prize claiming means to be operable by a player to claim a favourable outcome arising from the occurrence of the last possible game-ending pattern. However, Cannon suggests in which each one of the player stations activates its respective prize claiming means to be operable by a player to claim a favourable outcome arising from the occurrence of the last possible game-ending pattern (Figs. 16-18). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Lind, Itkis, and Cannon in order to complete the bingo game in an orderly way which allows players a reasonable period in which to recognize and claim their award.

Regarding claims 19 and 36, it is noted that neither Lind nor Itkis specifically teaches in which the gaming server terminates the turn of the game of bingo if a player claims the favourable outcome. However, Cannon suggests in which the gaming server terminates the turn of the game of bingo if a player claims the favourable outcome (Figs. 16-18). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Lind, Itkis, and Cannon in order to complete the bingo game in an orderly way which allows players a reasonable period in which to recognize and claim their award.

Regarding claims 20 and 37, it is noted that neither Lind nor Itkis specifically teaches in which the prize claiming means remains activated until a player claims the favourable outcome. However, Cannon suggests in which the prize claiming means remains activated until a player claims the favourable outcome outcome (Figs. 16-18). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Lind, Itkis, and Cannon in order to complete the bingo game in an orderly way which allows players a reasonable period in which to recognize and claim their award.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Weingardt (US 2002/0117803 A1) discloses a bingo game method.

Libby et al (US 2004/0121834 A1) discloses an animated lottery bingo game.

Perkins (US 2004/0242310 A1) discloses a combination bingo and slot machine game.

Lind et al (US 6,802,776 B2) discloses a bingo game which can display a slot machine style result.

Falciglia (US 5,647,798) discloses a slot machine which plays bingo.

Falciglia (US 5,935,002) discloses a slot machine which plays bingo.

Luciano, Jr. et al (US 6,780,108 B1) discloses a networked bingo game system.

Yarbrough (US 2005/0059466 A1) discloses simulating a game output as a keno game.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Rowland whose telephone number is (571) 270-7844. The examiner can normally be reached on Monday through Thursday, alternate Fridays, 8:30 am to 6:00 pm, Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. R./
Examiner, Art Unit 3714

/John M Hotaling II/
Primary Examiner, Art Unit 3714